

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
SEPTEMBER SESSION, 1996

FILED

April 1, 1997

Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)
)
 Appellee)
)
 vs.)
)
 DONNA BEASLEY,)
)
 Appellant)
)
)
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)
)
)

No. 03C01-9510-CC-00295

BLOUNT COUNTY

Hon. D. Kelly Thomas, Jr., Judge

(Twenty-six counts of agg. burglary;
att. agg. burglary; burglary; seventeen
counts of theft of property worth more
than \$1000; six counts of theft of
property worth more than \$500; five
counts of theft of property worth less
than \$500)

For the Appellant:

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For the Appellee:

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OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

David G. Hayes
Judge

OPINION

On March 14, 1995, the appellant, Donna Beasley, pled guilty in the Blount County Circuit Court to twenty-six counts of aggravated burglary, a class C felony, one count of attempted aggravated burglary, a class D felony, one count of burglary, a class D felony, seventeen counts of theft of property worth more than one thousand dollars, a class D felony, six counts of theft of property worth more than five hundred dollars, a class E felony, and five counts of theft of property worth less than five hundred dollars, a class A misdemeanor.¹ The plea agreement provided that the appellant would receive a sentence of five years for each class C felony, three years for each class D felony, one year for each class E felony, and eleven months and twenty-nine days for each class A misdemeanor. The parties additionally agreed that the appellant's effective sentence would be ten years and that the trial court would determine the manner of service of the sentence. Following a sentencing hearing, the trial court ordered that the appellant serve her sentence in the Department of Correction. The appellant contends that the trial court erred in denying her an alternative sentence.

The record reflects that, in addition to the instant fifty-six offenses, the appellant's criminal record includes three misdemeanor convictions for theft-related offenses. The appellant has previously been placed on probation. Moreover, at the sentencing hearing, the appellant confessed that she had been stealing since she was four or five years old. The pre-sentence report also reflects a lengthy history of marijuana abuse. The appellant reported to the investigating officer that she had smoked two or three "joints" every day, occasionally smoking as much as "a nickel bag a day." She further reported

¹The fifty-six offenses occurred between November, 1993, and October, 1994.

previously abusing Valium. Finally, at the sentencing hearing, the appellant conceded that, although she was receiving counseling, she still experienced larcenous impulses.

After a thorough review of the record, the briefs submitted by the parties, and the law that controls the issue presented for review, it is the opinion of this court that the judgment of the trial court should be affirmed pursuant to Ct. of Crim. App. Rule 20.

DAVID G. HAYES, Judge

CONCUR:

JOHN H. PEAY, Judge

WILLIAM M. BARKER, Judge